

## STATE CORPORATION COMMISSION

AT RICHMOND, JULY 27, 2007

## APPLICATION OF

NATIONAL COUNCIL ON COMPENSATION  
INSURANCE, INC.

CASE NO. INS-2007-00224

For revisions of advisory  
loss costs and assigned  
risk workers' compensation  
insurance rates

ORDER SCHEDULING HEARING

On July 20, 2007, came National Council on Compensation Insurance, Inc. ("Applicant") and filed on behalf of its members, comprising all the insurance companies licensed to write workers' compensation insurance in the Commonwealth, advisory loss costs that Applicant's members may use together with their own expenses and profit and contingency factors in determining the members' rates for policies written in the voluntary market and revised rates and rating values for assigned risk policies. Included in Applicant's filings are advisory loss costs and revised assigned risk rates for the coal classifications (1005 and 1016). Together with its advisory loss costs and assigned risk rate filings, Applicant submitted testimony and exhibits in support of its proposed advisory loss costs, assigned risk rates and rating values. Applicant has proposed to make the requested changes to be effective on and after April 1, 2008, on all new and renewal business;

AND IT APPEARING to the State Corporation Commission ("Commission") that a hearing will be necessary before acting upon the requested revision of workers' compensation assigned risk insurance rates and advisory loss costs, and that notice of the time and place of such hearing should be given to the public;

PROPERTY CONTROL

JUL 27 2007 11:00 AM

NOW, ON THIS DAY, it further appearing to the Commission from a review made by the Bureau of Insurance in connection with the filings, that Applicant has submitted certain facts, information, data and statistics with respect to its proposals for workers' compensation insurance in this State;

IT IS ORDERED:

(1) That a proceeding be instituted pursuant to 5 VAC 5-20-80 A of the Commission's Rules of Practice and Procedure to investigate and determine: (a) whether the advisory loss costs and assigned risk rates as set forth in the filings are excessive, inadequate, or unfairly discriminatory; and (b) any other matter which may be the proper subject of investigation;

(2) That this case be set for hearing commencing at 10:00 a.m. on October 30, 2007, in the Courtroom of the State Corporation Commission, Second Floor, Tyler Building, Richmond, Virginia;

(3) That, on or before August 31, 2007, all persons who expect to participate in the hearing as respondents, as provided by 5 VAC 5-20-80 B of the Commission's Rules of Practice and Procedure, shall file a notice of participation and deliver a copy of the notice of participation to counsel for Applicant;

(4) That, on or before September 21, 2007, the Commission's Staff, and all persons previously filing a notice of participation who wish to participate in the hearing as respondents, shall file with the Clerk of the Commission fifteen (15) copies of the testimony and exhibits of each witness expecting to present direct testimony, and shall simultaneously deliver three (3) copies thereof to counsel for Applicant and any respondent requesting same;

(5) That, on or before October 10, 2007, Applicant shall file fifteen (15) copies of the rebuttal testimony and exhibits of each witness it intends to offer at the hearing and shall

simultaneously deliver three (3) copies of same to counsel for each respondent, the Commission's Staff and the Office of Attorney General; and

(6) That Applicant shall publish a notice of the time and place of such hearing, setting forth the substance of the proposed advisory loss costs and assigned risk rates and the place or places where the aforesaid documents and the testimony and exhibits of Applicant in support of its filings may be seen by any person in interest, in a newspaper of general circulation published in each of the following cities: Richmond, Norfolk, Newport News, Roanoke, Winchester, Lynchburg, Danville, Bristol, Fredericksburg, and Alexandria once a week for two (2) consecutive weeks beginning not later than the week beginning August 6, 2007, and that proof of such publication be made and filed herein, which notice shall be substantively as follows:

#### NOTICE TO THE PUBLIC

Notice is hereby given to employers providing workers compensation insurance under the Workers' Compensation Act and to the public that National Council on Compensation Insurance, Inc. ("Applicant"), on behalf of its member insurers, has applied to the State Corporation Commission ("Commission") for approval of certain changes applicable to voluntary market advisory loss costs and assigned risk rates and rating values for new and renewal workers' compensation insurance policies becoming effective on and after April 1, 2008.

Applicant proposes advisory loss costs that Applicant's members may use along with their own expenses and profit and contingency factors in establishing the members' rates for policies written in the voluntary market. The proposed advisory loss costs would produce an increase in the overall average pure premium level for the voluntary market industrial classifications of 3.3%.

Applicant proposes changes to the advisory loss costs for "F" (Federal) classifications in the voluntary market that would produce an overall pure premium level decrease of 17.8%.

Applicant proposes advisory loss costs for coal classifications 1005 and 1016 in the voluntary market that would

produce an overall pure premium level increase of 4.8% and an overall pure premium level decrease of 8.6%, respectively.

Applicant proposes a 7.7% increase in the overall average rate level for industrial classifications in the assigned risk plan. Applicant proposes a 14.6% decrease in the overall average rate level for "F" classifications in the assigned risk plan and a 11.9% increase and a 3.6% decrease in the overall average rate level for coal classifications 1005 and 1016, respectively, in the assigned risk plan.

Applicant has submitted filings and testimony and exhibits in support of the proposed changes in advisory loss costs, assigned risk rates and rating values to the Commission. That information and other information filed by Applicant in support of its proposals, including the exact assigned risk rates and advisory loss costs for individual classifications, which will vary by classification and may be higher or lower than the overall increases stated above, may be seen at the Bureau of Insurance, Tyler Building, Richmond, Virginia, and at the Document Control Center of the Office of the Clerk of the Commission, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia.

The Commission has instituted an investigation into the changes proposed by Applicant and has set a public hearing thereon in Case No. INS-2007-00224 in its Courtroom, Second Floor, Tyler Building, Richmond, Virginia, at 10:00 a.m. on October 30, 2007.

On or before August 31, 2007, all persons who expect to participate at the public hearing as a party respondent must file a notice of participation in conformity with the Commission's Rules of Practice and Procedure and deliver a copy to Applicant's counsel, Charles H. Tenser, Esquire, 2120 Galloway Terrace, Midlothian, Virginia 23113.

Prepared testimony and exhibits of the witnesses to be offered at the hearing on behalf of each respondent, the Commission's Staff, and the Office of the Attorney General, shall be filed on or before September 21, 2007, in accordance with the Commission order setting the hearing.

On or before October 10, 2007, Applicant shall file fifteen (15) copies of the rebuttal testimony and exhibits of each witness it intends to offer at the hearing and shall simultaneously deliver

three (3) copies of same to counsel for each respondent, the Commission's Staff and the Office of Attorney General.

Any interested person who desires to make a statement at the hearing in his/her own behalf, either for or against the proposed revisions, but not otherwise participate in the hearing, need only appear in the Commission's Courtroom at 9:45 a.m. on October 30, 2007, and complete a notice of appearance form which will be provided by the Commission. In order to accommodate as many public witnesses as possible, the Commission asks that comments be limited to five minutes by each such witness.

NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Scott A. White, Esquire, Office of General Counsel, State Corporation Commission; Dennis Kokulak, State Relations Executive, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33847; Charles H. Tenser, Esquire, 2120 Galloway Terrace, Midlothian, Virginia 23113, counsel to National Council on Compensation Insurance, Inc.; Mary Ann Link, Chief Deputy Commissioner, Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, Virginia 23220; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; Fred Coddington, Esquire, P.O. Box 225, Fairfax, Virginia 22030; W. Thomas Hudson, President, The Virginia Coal Association, Inc., Suite 425, Old City Hall, 1001 East Broad Street, Richmond, Virginia 23219; Mr. John Heard, The Virginia Coal Association, Inc., Suite 425, Old City Hall, 1001 East Broad Street, Richmond, Virginia 23219; Dink E. Shackleford, Executive Director, Virginia Mining Association, Inc., 19 7th Street, Park Avenue Center, Suite 206, Norton, Virginia 24273; Barbara F. Altizer, Executive Director, Virginia Coal Council, P.O. Box 858, Richlands, Virginia 24641; John Matney, President, Rapoca Energy Company, 2700 Lee Highway, Bristol, Virginia

24201; Mr. Bill Nash, Nash & Powers Insurance, 100 Fifth Street, Suite 101, Bristol, Tennessee

37620; and the Bureau of Insurance in care of Deputy Commissioner Mary M. Bannister.